

Glenn Saums

From: Glenn Saums [glenn_saums@nmenv.state.nm.us]
Sent: Monday, January 12, 2004 10:48 AM
To: CARPENTER, RICK R.
Subject: RE: 60-Day Public Comment: Antidegradation Policy

Mr. Carpenter,
This e-mail is to acknowledge receipt of your e-mailed comments on January 12, 2004.
Glenn Saums

-----Original Message-----

From: CARPENTER, RICK R. [mailto:rrcarpenter@ci.santa-fe.nm.us]
Sent: Monday, January 12, 2004 10:31 AM
To: glenn_saums@nmenv.state.nm.us
Subject: 60-Day Public Comment: Antidegradation Policy

Mr. Saums - please the attached comment letter from the City of Santa Fe, Water Division. I will also hand deliver a hard-copy of this letter to your offices later today. Please feel free to call or e-mail with any questions or concerns. Thank you.

Rick Carpenter
Water Resources Projects Coordinator
City of Santa Fe
Sangre de Cristo Water Division
801 West San Mateo
P.O. Box 909
Santa Fe, NM 87504-909
Phone (505) 955-4206
Fax (505) 955-4352
rrcarpenter@ci.santa-fe.nm.us

January 12, 2004

Mr. Glenn Saums
Point Source Regulation Section Program Manager
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502

Subject: Antidegradation Implementation Procedures

Dear Mr. Saums:

The City of Santa Fe (City) appreciates having the opportunity to comment on the Antidegradation Implementation Procedures (Procedures) published for public review by the New Mexico Environment Department (NMED or Department) on November 12, 2003. Overall, the City commends the Department's efforts to develop procedures for this important element of the water quality standards program. The City offers the following comments for consideration:

- Section III.A.2.a. Tier 2, Determination of Necessity – The City strongly supports the concept of off-ramps from the Tier 2 review process for discharges which can be considered *de minimus*. The six *de minimus* elements identified for “Publicly Owned and Private Domestic Treatment Work Discharges” (POTW and PODTW, respectively) are appropriate measures for making a finding that the new or expanded discharge will have a *de minimus* impact on water quality. However, it is unclear why these same criteria are not also applied to “Industrial Discharges,” especially element 6 - “the new or increased discharge...was reviewed in an Environmental Assessment or Environmental Impact Statement...and the responsible federal agency made a Finding of No Significant Impact.” For POTW/PODTW and industrial discharges, the Department has included the statement, “Notwithstanding these *de minimus* activities, the Department shall conduct Tier 2 review for any new or increased discharge...in certain circumstances...when the discharge, taken together with all other activities...” This statement grants the Department flexibility to look at a discharge in

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January 12, 2004
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a watershed context and make a final decision whether a *de minimus* finding is appropriate. Accordingly, the City requests and recommends that the Department establish the same *de minimus* elements for POTW, PODTW and industrial discharges.

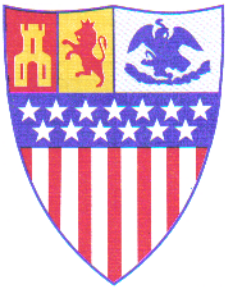
- Section III.A.2.a. Tier 2, Determination of Necessity – *De minimus* element 6 includes the phrase “in certain circumstances” (“the new or increased discharge or the renewal of a permit for an existing discharge in certain circumstances...”). Does this phrase apply to both permits for existing discharges and permits for new or increased discharge, or does it only apply to the former? As written, the applicability of the phrase “in certain circumstances” is unclear. In addition, no information is provided with regards to what “circumstances” this phrase references. The City recommends that the Department include information in the procedures regarding in what circumstances element 6 would not be an applicable basis for a *de minimus* finding.

Again, the City appreciates having the opportunity to provide comment on this important issue. If you would like to discuss these comments further or require any clarification, please contact Rick Carpenter, Water Resources Projects Coordinator, of our City staff.

Very truly yours,

Galen Buller, City of Santa Fe, Water Division Director

cc: Rick Carpenter, City of Santa Fe, Water Division
Doug Sayer, County of Santa Fe, Public Utilities Department
Sanford Hurlocker, United States Forest Service, Espanola Field Office



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

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Jim Romero, *City Manager*

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Patti J. Bushee, Dist. 1
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Miguel M. Chavez, Dist. 3
David Coss, Dist. 3
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Point Source Regulation Section Program Manager
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**Surface Water Quality
Bureau**

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Galen Buller, City of Santa Fe, Water Division Director

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